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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,208	02/22/2001	Andrew Rodney Ferlitsch	SLA0345	5137

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EXAMINER	
HUNTSINGER, PETER K	
ART UNIT	PAPER NUMBER
2625	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/681,208	FERLITSCH ET AL.	
	Examiner	Art Unit	
	Peter K. Huntsinger	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,9,11-13,15,17,19,20,22 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,9,11-13,15,17,19,20,22 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/8/07 have been fully considered but they are not persuasive.

The applicant argues on page 9 of the response in essence that:

Lobiondo '194 does not teach sending multiple modified print tasks to multiple printers simultaneously.

a. Lobiondo '194 teaches sending multiple modified print tasks to multiple printers simultaneously (col. 2, lines 56-62. scheduler allocates portions to plurality of printers which print the job in parallel). The modified print tasks are considered to be sent simultaneously because they are sent at the same time relative to the print job (i.e. they are sent while the entire print job is being printed in parallel).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5, 6, 9, 11, 12, 20, 22, and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The limitation "simultaneously spooling all of said modified print tasks to said quantity of printers" is not described in the specification. While the applicant describes sending print tasks to each printer simultaneously in paragraph 47, the act of spooling simultaneously is not described.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5, 6, 9, ~~and~~ 13, 15, 17, 19, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama '958, ~~and further~~ in view of Lobiondo '194.

Referring to claim 1, Sugiyama '958 discloses a method for dividing a print task into a plurality of proportional modified print tasks, said method comprising the following acts: sending a print task from an application executing on a computing device to a driver on said computing device (col. 6, lines 22-27); converting said print task to a printer-specific print task with said driver (col. 7, lines 8-21); sending said printer-specific print task to a spooler (col. 6, lines 22-27); sending said printer-specific print task from said spooler to a non-driver print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51) on said computing device (col. 10-11, lines 59-67, 1-3); receiving print task modification

commands at said non-driver print processor (Fig. 6, col. 5, lines 52-57); and modifying said printer-specific print task with said non-driver print processor (col. 5, lines 44-51). Sugiyama '958 does not disclose expressly a copy-splitting command.

Lobiondo '194 discloses receiving print task modification commands at a non-driver print processor, wherein said commands comprise a copy-splitting command (col. 4, lines 58-64, col. 5, lines 45-62); determining individual printer capabilities for a plurality of printers, wherein said capabilities relate to at least one of a printer speed, a printer availability and a printer media capacity; identifying a quantity of printers, among said plurality of printers, that have the capability to execute said print task (col. 4, lines 46-66, scheduler 50 analyses the printers and determines which printers are capable of producing the job); dividing said printer-specific print task into a quantity of modified print tasks, wherein said quantity of modified print tasks is equal to said quantity of printers; wherein each of said modified print tasks is associated with one of said quantity of printers (col. 4, lines 58-64, col. 5, lines 45-62); wherein the size of each of said modified print tasks is proportional to the capabilities of a printer, among said quantity of printers to which said print tasks is associated (col. 4, lines 46-66, scheduler 50 analyses the printers and determines which printers are capable of producing the job); wherein each of said modified print tasks consists of one or more iterations of said printer specific print tasks (col. 5, lines 45-62); and simultaneously spooling all of said modified print tasks to said quantity of printers (col. 2, lines 56-62. scheduler allocates portions to plurality of printers which print the job in parallel).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo '194 with Sugiyama '958 to obtain the invention as specified in claim 1.

Referring to claim 2, Sugiyama '958 discloses wherein said sending said print task modification commands comprises reading command data from a configuration file (col. 5, lines 31-32).

Referring to claim 3, Sugiyama '958 discloses the act of prompting a user for print task modification commands (Fig. 6, col. 5, lines 52-57).

Referring to claim 5, Sugiyama '958 discloses wherein said prompting is driver-based (col. 5, lines 52-57).

Referring to claim 6, Lobiondo '194 discloses wherein the size of each said modified print tasks is primarily proportional to the speed of the printer associated with the print task (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 9, Lobiondo '194 discloses wherein said dividing comprises a combination of copy splitting and job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 13, Sugiyama '958 discloses a post-driver print processor capable of modifying a print task, after driver processing, according to print task modification commands, said print processor comprising: a spooler interface for receiving a print task from a spooler, wherein said spooler and said spooler interface reside on an end-user computing device (col. 10-11, lines 59-67, 1-3) (col. 6, lines 22-

27); a command interface on said end-user computing device, said command interface for receiving a print task modification command from a user at said end-user computing device (Fig. 6, col. 5, lines 52-57); and a modifier, on said end-user computing device, said modifier for modifying said print task according to said print task modification command, after a driver has processed said print task, thereby creating at least one modified print task (despoiler 42 of Fig. 5, col. 5, lines 44-51). Sugiyama '958 does not disclose expressly dividing said print task proportional to the capabilities of the printers.

Lobiondo '194 disclose a command interface on a end-user computing device, said command interface for receiving a copy-splitting command from a user at said end-user computing device (col. 5, lines 45-62); a divider for dividing said print task according to said copy-splitting command thereby creating a plurality of modified print tasks wherein the size of each of said modified print task is proportional to at least one of a printer speed, printer availability and a printer media capacity for a printer associated with said modified print task (col. 4, lines 58-64, col. 5, lines 45-62); wherein said modified print tasks consist of one or more iterations of said print task (col. 5, lines 45-62); and an output, on said end-user computing device, said output for simultaneously sending said plurality of modified print tasks to the printers associated with said modified print tasks (col. 2, lines 56-62. scheduler allocates portions to plurality of printers which print the job in parallel).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing.

Therefore, it would have been obvious to combine Lobiondo '194 with Sugiyama '958 to obtain the invention as specified in claim 13.

Referring to claim 15, Sugiyama '958 discloses wherein said interface is a dialog box (Fig. 6, col. 5, lines 52-57).

Referring to claim 17, Lobiondo '194 discloses wherein a command interface prompts a user for copy splitting parameters (col. 5, lines 27-62).

Referring to claim 19, Lobiondo '194 discloses wherein a command interface prompts a user for multiple printer selection (col. 5, lines 27-62).

Referring to claim 20, Sugiyama '958 discloses a computer readable medium comprising computer executable instructions for modifying a print task at an end-user computing device (col. 10-11, lines 59-67, 1-3) with a post-driver print processor, said instructions comprising the acts of: receiving a printer-driver-converted print task at said print processor on said end-user computing device, said printer-driver-converted print task being received from a spooler (col. 6, lines 22-27); receiving print task modification commands at said print processor on said end-user computing device (Fig. 6, col. 5, lines 52-57); and modifying said printer-driver-converted print task with said print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51). Sugiyama '958 does not disclose expressly dividing said print task proportional to the capabilities of the printers.

Lobiondo '194 disclose receiving a copy-splitting commands at a print processor (col. 5, lines 45-62); dividing a print task into a plurality of modified print tasks, wherein the size of each of said modified print task is proportional to at least one of a printer speed, printer availability and a printer media capacity for a printer associated with said

modified print task (col. 4, lines 58-64, col. 5, lines 45-62); and simultaneously spooling all of said modified print tasks printers with which they are associated (col. 2, lines 56-62. scheduler allocates portions to plurality of printers which print the job in parallel).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo '194 with Sugiyama '958 to obtain the invention as specified in claim 20.

Referring to claim 22, Sugiyama '958 discloses a method for modifying a print task with a print processor on an end-user computing device (col. 10-11, lines 59-67, 1-3), said method comprising the acts of: sending a print task to a driver on said end-user computing device (col. 6, lines 22-27); converting said print task with said driver on said end-user computing device (col. 7, lines 8-21); prompting a user for print task modification commands on said end-user computing device (Fig. 6, col. 5, lines 52-57); receiving said print task modification commands through a user interface on said end-user computing device (Fig. 6, col. 5, lines 52-57); creating a spool file for said converted print task on said computing device (col. 7, lines 22-27); sending said spool file to a spooler on said computing device (col. 6, lines 22-27); spooling said spool file to a modifying non-driver print on said computing device (despoiler 42 of Fig. 5, col. 5, lines 44-51); modifying said spool file according to said print task modification commands on said computing device, after said converting by said driver, thereby

creating at least one modified print task (col. 5, lines 44-51). Sugiyama '958 does not disclose expressly dividing said print task proportional to the capabilities of the printers.

Lobiondo '194 Lobiondo '194 disclose prompting a user for copy-splitting commands; receiving said copy-splitting commands through a user interface (col. 5, lines 45-62); modifying a print tasks according to said copy-splitting commands, thereby creating a plurality of modified print tasks, wherein the size of each of said modified print task is proportional to at least one of a printer speed, a printer availability and a printer media capacity for a printer which each of said modified print tasks is associated (col. 4, lines 58-64, col. 5, lines 45-62); wherein said modified print tasks consist of one or more iterations of said converted print task (col. 5, lines 45-62); and simultaneously spooling said modified print tasks to printers with which they are associated (col. 2, lines 56-62. scheduler allocates portions to plurality of printers which print the job in parallel).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo '194 with Sugiyama '958 to obtain the invention as specified in claim 22.

Referring to claim 24, see the rejection of claim 1 above.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama '958 and Lobiondo '194 as applied to claim 1 above, and further in view of Onuma '669.

Referring to claim 11, Sugiyama '958 discloses a print task but does not expressly disclose wherein said print task is a printer-ready file.

Onuma '669 discloses a print task consisting of a printer-ready file (RAW file, col. 6, lines 6-9).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a printer-ready file format. One of ordinary skill in the art would have been motivated to do this because the printer-ready file, or a RAW file, is a standard format available for print tasks at the time this invention was made and the data sent to a printer for printing needs to be in a format suitable for printing. Therefore, it would have been obvious to combine Onuma '669 with Sugiyama '958 and Lobiondo '194 to obtain the invention as specified in claim 11.

Referring to claim 12, Sugiyama '958 discloses a print task but does not expressly disclose wherein said print task is journalled printer data.

Onuma '669 discloses a print task consisting of journalled printer data (EMF file, col. 6, lines 9-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate journalled printer data format. One of ordinary skill in the art would have been motivated to do this because journalled printer data, or an EMF file, is a standard format available for print tasks available at the time this invention was made. Therefore, it would have been obvious to combine Onuma '669 with Sugiyama '958 and Lobiondo '194 to obtain the invention as specified in claim 12.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

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7/17/07